

Class II UIC Peer Review Protocol

Introduction

The Ground Water Protection Council (GWPC) implements the Class II Peer Review (Review) process as part of the State Oil and Gas Regulatory Exchange (SOGRE). SOGRE is part of a larger initiative of the GWPC and the Interstate Oil and Gas Compact Commission called “States First”. The purpose of a review is to evaluate the efficacy of Class II Underground Injection Control (UIC) programs in states that have been granted primary enforcement authority (primacy) by the U.S. Environmental Protection Agency (EPA) under sections 1422 or 1425 of the Safe Drinking Water Act (SDWA) and direct implementation (DI) programs in states without primacy. The review process is strictly voluntary and requires the consent of the state Class II UIC agency or DI program to be reviewed.

Review Teams

Primacy state review teams consist of:

- Two state Class II UIC staff members; one each from two different primacy states located outside of the EPA region in which the state to be reviewed resides.
- One facilitator to be determined by the GWPC
- One EPA participant from the region in which the state resides (Observer)
- One representative of the GWPC

DI program review teams consist of:

- Two EPA Class II UIC staff members; one each from two different EPA regions located outside of the region in which the state DI program to be reviewed resides
- One facilitator to be determined by the GWPC
- One state oil and gas agency participant from the DI state being reviewed
- One representative of the GWPC

Responsibilities of Parties

State or DI program

- Complete the Class II Peer Review questionnaire and submit to the GWPC
- Provide facilities for the in-state interview
- Make UIC staff available during the in-state interview
- Review the draft report and provide comments to the GWPC

Review team

- Review the completed questionnaire
- Participate in team conference calls and webinars to develop follow-up questions for the in-state interview
- Participate in the in-state interviews
- Work with the facilitator and GWPC representative to develop a draft report for review by the state or DI program
- Participate in conference calls and webinars as needed to prepare the draft

- Revise the report to address all state or DI program comments and submit a revised draft to the GWPC

Facilitator

- Insure all team members follow review rules
- Facilitate the in-state interview discussion
- Insure questions posed during the in-state interview are germane to the purpose of the review
- Work with the GWPC representative to insure the process meets established deadlines
- Coordinate the writing of the draft report including initial editing

GWPC representative

- Coordinate state or DI program reviews with agencies
- Schedule and participate in conference calls and webinars
- Capture and compile comments and question responses during the in-state interview
- Prepare and distribute to team members all comments and question responses captured during the in-state interview
- Work with the facilitator to insure the process meets established deadlines
- Assist the facilitator with report editing and preparation
- Manage the printing and distribution of the final report

GWPC

- Solicit state and DI programs for review
- Procure team members
- Provide a review facilitator
- Coordinate the in-state review logistics
- Submit the questionnaire to the state or DI program
- Receive and distribute the completed questionnaire to team members
- Provide funding for transportation, housing and meals for team members (other than federal employees) on an as requested basis
- Provide conference call and webinar facilities as needed
- Approve, print, web post and distribute the final report

Review Process

The review process and timing:

- Initial contact with states to solicit volunteers for review (GWPC)
- Coordination of timing for the review with the state or DI program (GWPC)
- Recruiting of review team members at least 60 days prior to the in-state interview (GWPC)
- Distribution of the questionnaire to the state or DI program to be reviewed at least 60 days prior to the in-state interview (GWPC)
- Notification to state or DI program of review team members at least 30 days prior to in-state review (GWPC)
- Submission of the completed questionnaire to the GWPC at least 30 days prior to the in-state interview (State or DI program)

- Review of the completed questionnaire and development of follow-up questions no later than two weeks prior to the in-state interview (Review team)
- In-state interview of up to 1 ½ days (Review team and state or DI program staff)
- Prepare draft report within 30 days following in-state interview (Review team, facilitator and GWPC representative)
- Submission of draft report to state or DI program and team members (GWPC)
- Review and comment submission to GWPC within 15 days of receipt of draft (State or DI program and observers)
- Revision of draft within 30 days following receipt of state or DI program input (Non-observer team members, facilitator and GWPC representative)
- Approval of the final report within 15 days of revision completion (GWPC Executive Director)
- Printing of 100 copies of the final report within 10 days following approval by GWPC Executive Director (GWPC)
- Posting of the final report on the GWPC website within 10 days following approval by GWPC Executive Director (GWPC)
- Distribution of 25 copies of the printed report to the state or DI program (GWPC)

General Review Rules

- Review team members agree to operate under rules of confidentiality and may not discuss the review findings or draft report with persons who are not members of the team until the final report is published
- Observers are entitled to submit questions to the review team in writing for consideration during the interview but are not permitted to participate in drafting of the report (NOTE: Decisions about posing questions submitted by observers will be made by the team and GWPC representative)
- Observers may submit comments on the draft report at their discretion
- Preparation and approval of the draft report will be accomplished using a consensus approach
- **Minority reports, other than those that may be published by the reviewed state or DI program, will not be allowed**
- Comments in the report will not be attributed to any individual team member
- The GWPC is solely responsible for the content of the final report
- The report is the intellectual property of the GWPC and any distribution of or quotation from the report may only be done with the express permission of the GWPC